



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**February 27, 2006**

**SUBJECT:** **2005-1009 - Greg Mussallem** [Applicant] **Virginia J Mardesich, Trustee** [Owner]: Application for related proposals on a 16,301 square-foot site located at **563 Alberta Avenue** (near Sunnyvale-Saratoga Rd) in an R-2 (Low-Medium Density Residential) Zoning District.

Introduction of an Ordinance **Rezone** from R-2 (Low-Medium Density Residential) to R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District.

Motion **Special Development Permit** to allow the construction of four new single-family homes.

**REPORT IN BRIEF**

**Existing Site Conditions** Single Family Home

**Surrounding Land Uses**

North Single Family Home

South Duplex

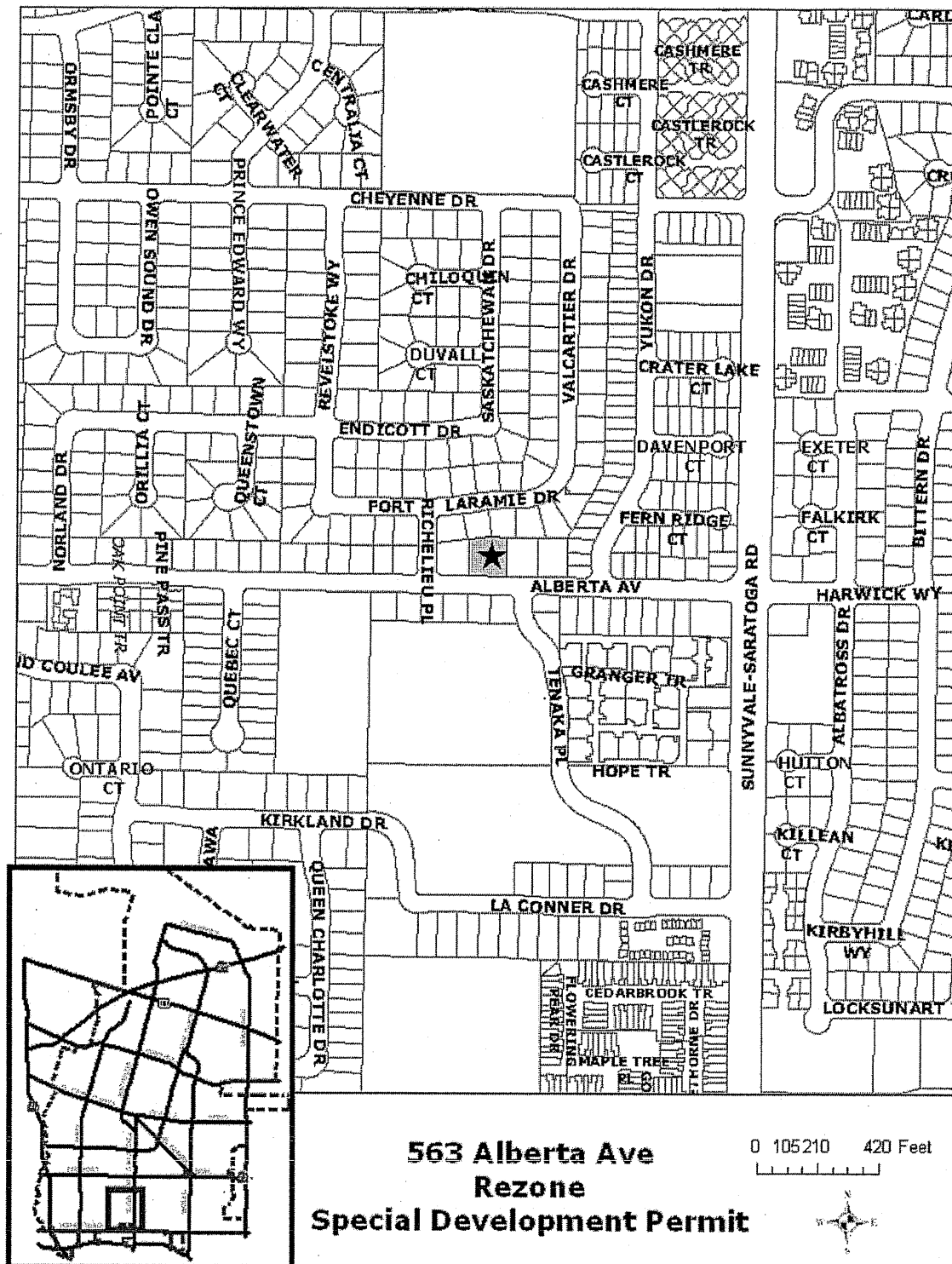
East Fourplex

West Single Family Home

**Issues** Site Layout, Compatibility

**Environmental Status** A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation** Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Medium Density	Same	Residential Low Medium Density
<b>Zoning District</b>	R-2	R-2/PD	By Re-zone
<b>Lot Size (s.f.)</b>	16,301	Lot 1: 4,020 Lot 2: 4,014 Lot 3: 4,275 Lot 4: 3,972	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2,186	8,377	No max.
<b>Lot Coverage (%)</b>	13%	31%	45% max for one- story (40% 2- story).
<b>Floor Area Ratio (FAR)</b>	13%	51%	Small Lot Dev. Guideline of 50% overall
<b>No. of Units</b>	1	4	4 max.
<b>Density (units/acre)</b>	2.7	10.7	12 max.
<b>Meets 75% min?</b>	No	Yes	3 min.
<b>Bedrooms/Unit</b>	4	3/4	N/A
<b>Unit Sizes (s.f.)</b>	2,186 (incl. garage)	2 units - 2,071 2 units - 2,117.5 (incl. garage)	N/A
<b>Lockable Storage/Unit</b>	N/A	400-468 (garage)	300 cu. ft. min.
<b>No. of Buildings On- Site</b>	1	4	Per SDP
<b>Building Height (ft.)</b>	16'	23' 6"	30' max.
<b>No. of Stories</b>	1	2	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front</b>	72'	20' to porch(22' to living) /25'	20'/25' min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Left Side	15'	6'/9'	4' min. (12' combined) / 7' (18' combined)
Right Side	15'	6'/9'	4' min. (12' combined) / 7' (18' combined)
Rear	20'	10' / 20'	10' min. allowable for 25% encroachment / 20'
<b>Landscaping (sq. ft.)</b>			
Total Landscaping	N/A	8,377	3,260 min.
Landscaping/Unit	N/A	2,094	800 min.
Usable Open Space/Unit	N/A	782	500 min.
<b>Parking</b>			
Total Spaces	7	16 (4 per unit)	16 min.
Covered Spaces	3	8 (2 per unit)	8 min.
Parking Dimensions for Driveway	N/A	2 units @ 17' x 18' 2 units at 17' x 26'	17' x 20' required for single family
<b>Stormwater</b>			
Impervious Surface Area (s.f.)	5,156	8,546	Group 2 Project > 10,000
Impervious Surface (%)	32%	52%	N/A



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## ANALYSIS

### Description of Proposed Project

The proposed project includes the demolition of an existing single family home and the construction of four single family homes. In order to allow the smaller lot configuration, the site requires rezoning to R-2/PD (Low-Medium Density Residential/Planned Development). This hearing is to consider a rezoning and

a Special Development Permit. The applicant has chosen to file a Tentative Map application at a later date. Prior to building permits, a Tentative Map approval is required. As the site could potentially include four newly created lots, unless otherwise conditioned, an Administrative Hearing will be required for the Tentative Map.

### **Background**

**Previous Actions on the Site:** There are no previous planning actions related to the site.

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

### **Rezoning**

**Discussion of Rezoning:** The applicant is requesting a Planned Development Combining District (PD) in conjunction with the existing R-2 zoning for the site. The request does not change the permitted density of the site but instead is a common tool utilized throughout Sunnyvale for the development of infill and small lot development projects. PD is intended to allow for flexibility in meeting the City's development standards and in some instances to place stricter controls on new development. The applicant may propose deviations to the zoning standards through the requested Special Development Permit. The most common deviation proposed in the PD is minimum lot size for the purpose of creating individual ownership units.

Below are the City Council Policy Guidelines from 1998 for approving a PD zoning request

- *To facilitate development or redevelopment of a site to improve the neighborhood.* (The PD facilitates the development of ownership units on substandard lots while staying within required density ranges)
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.*
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district.*

### **Special Development Permit**

**Site Layout:** The layout of the proposed project consists of four detached single family homes which attain vehicular access from a central drive aisle.

The site is surrounded by a mix of residential uses including single family, duplexes and multi-family. Each unit includes a porch and private backyard area.

The proposed layout of the site meets all first and second-story setback requirements for the site. Previous layouts that were considered indicated deviations within the first and second-story setbacks of the front units. Staff has included the site layout of previous designs in Attachment E. The sizes of the units vary slightly in size from approximately 2,000 to 2,100 square feet including porch and garage area (1,600 square feet living area). The proposal slightly exceeds the Small Lot Development guideline of 50% F.A.R. for single-family homes with approximately 51%. Staff has required Condition of Approval #11 to require that the site be reduced to a maximum 50% F.A.R. (the porch area may be excluded from this calculation). As currently proposed, the site is considered over 50% F.A.R. with or without the individual porch areas.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>Site Design B9. Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.</i>	The proposed project offers private open space to each unit with internal circulation through a private street. Additional landscaping on the site will provide an attractive overall streetscape to an older neighborhood with minimal landscaping.

**Architecture:** The proposed architecture of the four single-family homes can be considered contemporary. The applicant has provided two styles of units. The first and second stories contain a hipped roof design. A gabled feature is also incorporated along portions of the second story within each style of unit. A modest porch area is situated at the front. The architecture provides adequate roof variation of projecting and recessed elements within the second story. The first and second story is also broken up with a hipped roof. The units each contain divided light windows within each elevation. Each building façade is composed of various painted stucco materials and a composition roof material. The base and trim of the units will consist of alternate colors.

Staff is also requiring that the second story bedroom windows (along the nine-foot setback) facing neighbors to west and east be modified to high sill, obscured glass, or be removed (Condition of Approval 3A1)

The following Guidelines were considered in the analysis of the project architecture.

Single Family Homes Design Techniques - Architecture	Comments
3.3 D. Eave lines at entries should match or be within approximately twenty-four inches of the height of entry eaves in the neighborhood (i.e. close to the first floor eave height). In no case should front eaves be substantially higher than the first floor eaves.	The entry eave lines match the height of the first story form within each style of unit.
3.9 C. The use of building bases is encouraged for homes constructed largely of stucco. Bases may be composed of projected wall planes at the building base, special materials such as stone and projected mouldings.	The project utilizes mouldings to break up the wall plane of each unit style for the front and garage elevations.

**Landscaping:** The proposal exceeds landscaping standards for R-2 development with over 2000 square feet (average) per unit. Useable open space requirements are met for the development with approximately 782 square feet per unit where a minimum 500 square feet is required. Useable open space requirements note that a 12 foot dimension is required in any direction to count towards meeting this requirement. In this case, a 15-foot dimension standard is a guideline for new small lot development. This proposal exceeds this standard in many locations.

The site currently has six protected trees (Monterey Pine). Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. Three of the six protected trees will be removed as part of this proposal. The remaining trees are located near the front of the site (next to the drive aisle & southeast corner). The trees that are proposed to be removed are located within the foot print or close proximity to the proposed structures. Per Condition of Approval #7J, these trees are required to be replaced by 36" box trees at various locations on the site. Five fruit trees located at the rear of the site will be preserved. Existing Cypress trees provide a visual buffer to and from the adjacent property to the west and will be retained. Staff has required Condition of Approval #7I1 which requires the landscape plan to indicate trees (large species) to be planted along the rear property line of the site to mitigate visual and privacy impacts to neighboring properties to the north. Conditions of Approval also require tree protection measures during the demolition and construction of the homes.

The following Guidelines were considered in analysis of the project landscaping.

Citywide Design Guidelines	Comments
A4 Properly landscape all areas not covered by structures, driveways and parking.	A preliminary landscaping plan indicates new trees and groundcover at various locations of the site.
A2 Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.	A large Monterey Pine located near the entry drive aisle will be preserved as well as trees at the rear of the site.

**Parking/Circulation:** The applicant has explored various layouts for the needed parking of the development. A central driveway allows for access to each of the units from Alberta Avenue. The single access driveway off Alberta helps preserve street parking availability in addition to enabling sufficient distance from neighboring property driveways. The two single-family homes facing Alberta will each maintain a side-loading two-car garage and two uncovered spaces behind the living areas of the homes. The rear units will have side-loading garages at the front of the units facing the central drive-aisle. The existing sidewalk will be removed and replaced along the entire frontage (Condition of Approval 11B). The driveway aisle is measured at 18 feet per minimum City requirements. In an effort to increase landscaping and allow for possible tree locations the drive aisle at the center of the site is reduced to approximately 16 feet.

The following Guidelines were considered in analysis of the project parking and circulation.

Single Family Home Design Techniques - Parking	Comments
3.2 I. In neighborhoods where garages are located in front of the homes and where lot width allows, consider the use of side-loaded garages.	The proposed project utilizes side-loading garages for each unit.

**Easements and Undergrounding:** An existing public utility and wire clearance easement is located along a 10-foot area at the rear of the entire site. No building construction is proposed within this area.

**Compliance with Development Standards/Guidelines:** The proposed project meets most development standards with the exception of individual lot size and driveway dimensions. Minimum lot size is a common deviation needed for development of the individual ownership units. Staff is supportive of the deviation from parking dimensional requirements as there is adequate back-up



maneuvering area within the drive aisle and north end of the site. The project exceeds the Small Lot Development guideline of 50% F.A.R. with approximately 51% for the site. Staff is requiring modifications to the overall square footage of the proposal in order to meet the F.A.R. guideline

**Expected Impact on the Surroundings:** The proposed development will have a new visual impact to the site and surrounding neighborhood. The existing one-story single-family home is set back considerably from the front property line. The new two-story development will be positioned much closer. An existing "protected" tree and newly proposed trees at the front of the site help buffer the impact of the new homes from the street. Although the site will have an increased density, traffic impacts are expected to be minimal.

### **Fiscal Impact**

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The project will be subject to a Transportation Impact fee of \$5,419.09 per Condition of Approval #5A. A Park Dedication Fee of \$40,837.52 (\$10,209.38 per unit) is required prior to approval of a Final Map per Condition of Approval #5B.

### **Public Contact**

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**Planning Commission Study Session:** A Planning Commission Study Session was held regarding the project on February 13, 2006. At that time, Commissioners brought up concerns related to the streetscape of the units facing Alberta. A desire to relocate the garages and reorient the entrances was also mentioned. The applicant has explored multiple options with Planning staff including garages that face the street which would allow three driveways from Alberta. In earlier discussions, staff also noted a preference for a single drive aisle access of Alberta to reduce curb cuts along the public street and increased street parking. The applicant has incorporated the concerns of the Planning Commissioners and staff and redesigned the project so that the garages of the front units are located behind the living portions of the home and all setback requirements are met.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 288 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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## Conclusion

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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## Alternatives

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1. Adopt the Negative Declaration and introduce an Ordinance to Rezone 563 Alberta Avenue from R-2 to R-2/PD and approve the Special Development Permit with attached conditions.
2. Adopt the Negative Declaration and introduce an Ordinance to Rezone 563 Alberta Avenue from R-2 to R-2/PD and approve the Special Development Permit with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone 563 Alberta Avenue from R-2 to R-2/PD and deny the Special Development Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Recommend Alternative 1 to the City Council.

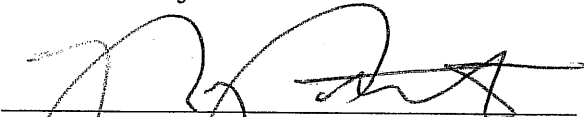
Reviewed by:



Gerri Caruso, Principal Planner

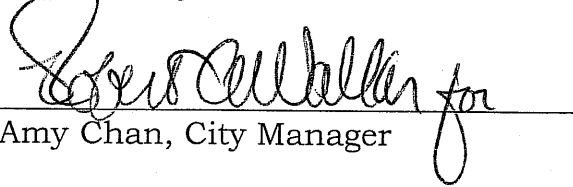
Prepared by: Ryan M. Kuchenig, Project Planner

Reviewed by:



Robert Paternoster, Director, Community Development

Approved by



Amy Chan, City Manager

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Previous site layouts
- F. Photos of site and nearby properties
- G. Draft Rezoning Ordinance



## **Recommended Findings - Special Development Permit**

Goals and Policies that relate to this project are:

### ***Land Use and Transportation Element***

Policy C2.2 *Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

Policy N1.2 *Require new development to be compatible with the neighborhood adjacent land uses and the transportation system.*

### ***Housing and Community Revitalization Sub-Element***

Policy C.1 *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

Goal D *Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

The project allows for the development of four ownership units (increase of 3). The development provides high quality architecture along with adequate landscaping and open space.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. *(Finding Met)*

The project conforms to the designated density of the site and provides improved architecture to a neighborhood consisting of predominantly older development.



**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
- C. Reproduce the conditions of approval on a cover sheet plans submitted for building permits. Building Plans shall include an annotated set of the conditions of approval indicating how the project complies with each condition.
- D. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
- E. Specific deviations allowed with this Special Development Permit are as follows:
  - 1. Minimum lot size and dimensions.
  - 2. No public street frontage for two lots located at the rear of the site
- H. An Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- I. Revise overall unit sizes to meet the overall 50% F.A.R. guideline for small lot development. Porch areas may be excluded from this calculation.

**2. ACCESSORY LIVING UNIT**

- A. The units shall not be permitted to have an accessory living unit unless approved through a separate Special Development Permit.

**3. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.
  - 1. Second-story bedroom windows facing the east and west along the nine-foot setback shall be modified to clerestory style or removed.
- B. Roof material shall be 50-year dimensional composition shingle, or a similar quality of material as approved by the Director of Community Development.

**4. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall not be visible from the public street.

**5. FEES**

- A. Pay Traffic Impact fee estimated at \$5,419.09, prior to issuance of a Building Permit. (SMC 3.50)
- B. Pay Park In-lieu fees estimated at \$10,209.38, prior to approval of the Final Map or Parcel Map. (SMC 18.10)

**6. FENCES**

- C. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- D. Wherever there is a grade differential greater than 12 inches, a concrete or masonry retaining wall shall be installed. Such a wall shall not be designed to infringe on the root system of protected trees on adjoining properties. Post and pier perimeter boundary walls may be required to ensure the protection of existing trees on adjacent sites.

**7. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Decorative paving shall be included within the revised landscape plan to distinguish entry driveways of the site.



- C. Provide separate meter for domestic and irrigation water systems.
- D. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits. The tree protection plan requirements include:
  - 1. Define tree protection zone at original dripline of preserved trees by 6' (six foot) wire mesh fencing.
  - 2. Prepare wood chip/leaf mulched wells manually, and water preserved trees as needed.
  - 3. Development plans shall include designs to maintain original grade within tree protection zone.
  - 4. Landscape plans shall reflect an irrigation design that is compatible to the needs of the protected trees.
  - 5. No trenching, grading, or root cutting is allowed within tree protection zone unless approved by the Consulting Arborist.
  - 6. Plans to construct within tree protection zone must be reviewed and approved by the Consulting Arborist.
  - 7. The Consulting Arborist shall approve pruning done to accommodate development features.
  - 8. Tree protection zone fencing to remain until fine grading and final landscape installation.
  - 9. All protected trees shall be maintained during the entire construction period. This included routine irrigation from preconstruction through project completion and final inspection.
- E. The landscape plan shall include two street trees along Alberta frontage.
- F. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- G. Prepare a landscape maintenance plan subject for review and approval by the Director of Community Development
- H. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- I. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

1. Trees (large species) shall be planted along rear of the site to improve visual and privacy impacts from neighboring homes to the north.
- J. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
- K. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- L. All areas not required for parking, driveways or structures shall be landscaped.
- M. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- N. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

**8. LIGHTING**

- A. All lighting intended for the private drive shall be required to provide shielding to direct light downward and away from the neighboring residences.

**9. PARKING**

- A. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- B. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

**10. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures and contained with the individual unit garages. Collection of refuse and recycling will require residents bring the containers to Alberta Avenue.

**11. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Remove and replace sidewalk along the entire frontage.
- C. All driveways must be constructed to current City standard specifications

**12 UNDERGROUND UTILITIES**

- 12. All existing and proposed utilities shall be undergrounded.